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Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. 2:15-MD-02641-DGC

**AMENDED MASTER SHORT
FORM COMPLAINT FOR
DAMAGES FOR INDIVIDUAL
CLAIMS AND DEMAND FOR
JURY TRIAL**

Plaintiff(s) named below, for their **Amended** Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc.364). Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Robert M. Brown

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

Not applicable

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian conservator):

Amended Master Short Form Complaint

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Not applicable

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

Washington

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Washington

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

~~Ohio~~ Washington

7. District Court and Division in which venue would be proper absent direct filing:

Western District of Washington, Tacoma Division

8. Defendants (check Defendants against whom Complaint is made):

☒ C. R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

- a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery® Vena Cave Filter

☒ G2® Vena Cava Filter

☐ G2® Express Vena Cava Filter

☐ G2® X Vena Cava Filter

☐ Eclipse® Vena Cava Filter

☐ Meridian® Vena Cava Filter

☐ Denali® Vena Cava Filter

☐ Other: _____

11. Date of Implantation as to each product:

July 23, 2009

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence – Design

☒ Count V: Negligence – Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

- 1 ☒ Count VII: Negligence – Failure to Warn
- 2 ☒ Count VIII: Negligent Misrepresentation
- 3 ☒ Count IX: Negligence *Per Se*
- 4 ☒ Count X: Breach of Express Warranty
- 5 ☒ Count XI: Breach of Implied Warranty
- 6 ☒ Count XII: Fraudulent Misrepresentation
- 7 ☒ Count XIII: Fraudulent Concealment
- 8 ☒ Count XIV: Violations of Applicable Washington (insert
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- 10 state) Law Prohibiting Consumer Fraud and Unfair and
- 11 Deceptive Trade Practices
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- 13 ☐ Count XV: Loss of Consortium
- 14 ☐ Count XVI: Wrongful Death
- 15 ☐ Count XVII: Survival
- 16 ☒ Punitive Damages
- 17 ☐ Other(s): _____ (please state the facts supporting this Count
- 18 in the space immediately below)
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☒ Yes

☐ No

**LAW OFFICE OF
CHRISTOPHER K. JOHNSTON, LLC**

I hereby certify that on this 12th day of September, 2017, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Carlos M. Hernández-Burgos